

MT LEGISLATIVE HISTORY

Chapter 43 19 83

Bill H 253 S _____

Original bill & hist. C

H. Committee on Bus. + Ind.

S. Committee on Bus. + Ind.

Hearing Date(s) 1-24 C

Hearing Date(s) 2-11 C

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Date Out 1-24 C

2-11 C

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Rept 2-11

Did this bill originate in an interim committee? Yes No

Committee

Report

STATUS SHEET

BUSINESS & INDUSTRY COMMITTEE

48 Legislature

Bill No.	Subject matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 253	TO REVISE THE PROCEDURE FOR ACQUIRING INFO ON LOCATION OF UNDERGROUND FACILITIES	1-17	Vinger	1-24	Do Pass Amended	1-24
HB 267	INCREASING THE ALLOWABLE FEE FOR TRANSFER OF EQUITY INCIDENT TO RETAIL SALE:	1-17	Kitselman	1-26	Do Pass	1-26
HB 290	INCLUDING WHOLESALE PETRO DISTRIBUTORS UNDER THE DEFINITION OF DISTRIBUTORS	1-18	SEIFERT	1-26	Tabled 1-27 Discussed 2-7 & 2-8 Do Pass Amended 2-10	
HB 338	PERMIT SUPPLEMENTARY LICENSEES UNDER THE CONSUM- ER LOAN ACT TO MAKE LOANS IN ANY AMOUNT	1-18	Fabrega	1-25	Do Pass	1-25
HB 339	PERMIT CONSUMER LOAN LICENSEE TO SELL ITS BUSINESS TO INSTITUTIONS NOT LICENSED IN MONT. CONSUMER LOAN ACT	1-18	Fabrega	1-25	Do Pass	1-25

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Business & Industry Committee

REP. PAVLOVICH: Do plumbing shops or glass shops have to have this license? Mr. Clark: Anyone in the retail business.

Rep. Pavlovich: Who regulates cigarette licenses - doesn't the same FTE take care of that one? Mr. Clark: There are a number of these small taxes falling under different areas.

REP. HARPER: I agree completely with Mr. Clark. Rep. Sales is coming from the idea that this is an unfair tax. If you pick out any tax in this state, starting with the property tax, without looking at the revenue side of it, any tax is unfair. This isn't a flat tax - the vast majority of this tax is paid by the large chain stores. \$300,000 would fund water research in this state for two years - I cannot support this bill for that reason. We need revenue and we can't afford to just let this go.

REP. FAGG: I disagree. This is just taxation without a reason or with no benefits. It's just not the way we should represent the people in our communities. We can put a lot of taxes on people if we just want to raise money, but that's not the purpose of the Legislature. There are so many licenses a person gets to the point they don't know how many they're supposed to have - it's ridiculous.

REP. WALLIN: This is a duplicate tax with the city - but the city at least provides services such as police protection. If it's unenforceable, we ought to do away with it.

HOUSE BILL 253

REP. ORREN VINGER, District 3, sponsor, opened by saying this bill amends two sections of the law. We have added "in person or by telephone" to the procedure. This will expedite matters as far as the contractor is concerned.

PROPOSERS:

PERRY WEIDLER, Montana Dakota Utilities, said as it is now, there is quite a bit of time delay when a request has to go through the mail.

GENE PHILLIPS, Pacific Power & Light, said this facilitates and legalizes the procedures that are being practiced now.

JOE FERRIS, Mountain Bell, said the proposed amendment (Exhibit #1) would force the utilities to keep a log of telephone calls that come in so there will be documentation of the calls. It will guarantee the contractor and the utility.

BOB QUINN, Montana Power Company, says the company supports this bill for the reasons stated previously.

H. S. HANSEN, Montana Technical Council, said this amendment clears up the issue as to whether we should open up the ground and find out where the utility is or to go with the specifications.

ROD HANSON, Montana Associated Utilities, said he was sure they

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Business & Industry Committee

had been in violation of the law up to now, and this would make it legal.

BILL OLSON, Montana Contractor's Association, said this was a housekeeping measure that would not cure everything but would help.

OPPONENTS: none

QUESTIONS:

REP. HART: If a contractor did receive information from you then you don't have to send someone out? Rep. Vinger: They would probably still send someone just for their protection.

REP. HANSEN: Would you please explain your amendment?

Mr. Ferris: If the contractor calls the utility, they will maintain a log of the calls - the contractor is protected and if they tear up our lines, we are protected.

REP. HARPER: If the contractor hits the utility, what would stop the utility from falsifying the log? Mr. Ferris: The excavator should ask for the name of the employee who takes his call. Rep. Harper: If we put this amendment on this bill, I have to cover myself by requesting it in writing - if a guy wants to take his chances, he can do it on the phone.

REP. ELLERD: They're asking for this legislation to help out their operations and make things more convenient. Why don't we try to help them.

EXECUTIVE SESSION:

HOUSE BILL 249

REP. FAGG made a motion that HOUSE BILL 249 PASS.

REP. LYBECK: I have to go along with Rep. Harper on this one. We have got to take a close look at revenue producing bills. Who we really are taxing is the consumer who this will be passed on to, I'm sure.

REP. FAGG: Then let's eliminate it and save the consumer \$300,000.

REP. METCALF: As a small business you pay the city and the city provides services, the state license is just an extra fee that seems to be truly unnecessary.

REP. ELLERD: Let's give it back to the local governments.

REP. HARPER: \$300,000 doesn't seem like much but you will not see many bills that raise half that much and this one has minimum hassle to collect. I can't vote for any bill that reduces revenue at this time.

Question: DO PASS motion failed 7-10 (2 absent). Motion by Rep. Pavlovich to REVERSE THE VOTE and DO NOT PASS carried unanimously.

(Roll Call Vote Attached)

HOUSE BILL 253

EXECUTIVE:

REP. KITSELMAN made a motion that HOUSE BILL 253 DO PASS and moved that the amendment do pass.

REP. KADAS: I have a problem with the amendment saying "the information shall be presumed to be a correct statement". It could be satisfied by requiring the phone company to mail back a note saying what they said. This could be used in court.

REP. HARPER: I move a substitute motion to amend Page 1, line 17 to read: Following: "must" Insert: "record the nature and the date of the request and".

REP. ELLERD: Why couldn't we require the utility to send a wire? They would get authority immediately. They would be asking during working hours - all it involved is a call.

REP. KITSELMAN: I move the substitute motion be accepted.
Unanimous vote.

Question: HOUSE BILL 253 - DO PASS AS AMENDED - vote: unanimous.

HOUSE BILL 229

REP. JACK RAMIREZ, District 64, sponsor, opened by saying this bill was at the request of the Secretary of State's office. He said it was generally a housekeeping bill.

PROPOSERS: Alan Robertson, Secretary of State's Office, said this bill doesn't change much. It makes a number of unrelated changes that have to be brought together under a big umbrella. It would not apply retroactively, it will apply on October 1. This bill revises the laws applying to business and nonprofit corporations to provide that: In restated articles of incorporation a business corporation sets forth the aggregate number of its shares, issued and unissued, rather than the amount of its stated capital. Also, no business or nonprofit corporation may use a name that is deceptively similar to any assumed business name, limited partnership name, trademark, or service mark registered or reserved with the Secretary of State, but the name used must contain the word "corporation," "company," "incorporated," or "limited." Also, notice of revocation of a corporation's certificate of authority must be issued in duplicate with one copy sent to the corporation and one copy kept on file.

OPPOSERS: none

HOUSE BILL 229 - EXECUTIVE

REP. HARPER: I move HOUSE BILL 229 DO PASS - Motion passed by unanimous vote.

The hearing adjourned at 10:30 a.m.

J. Metcalf

JERRY METCALF, Chairman

Linda Palmer

Linda Palmer, Secretary

STANDING COMMITTEE REPORT

January 24

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MR. Speaker:

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE Bill No. 253

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE FOR ACQUIRING INFORMATION CONCERNING THE LOCATION OF UNDERGROUND FACILITIES; AMENDING SECTIONS 69-4-503 AND 69-4-504, MCA."

Respectfully report as follows: That HOUSE Bill No. 253

Be amended as follows:

Page 1, line 17

Following: "must"

Insert: "record the nature and the date of the request and"

AND AS AMENDED

DO PASS

48th

LEGISLATIVE SESSION

COMMITTEE ON BUSINESS AND INDUSTRY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 244	1-31-83	3-4-83	3-4-83				3-4-83		
HB 253	1-29-83	2-11-83	2-11-83				2-11-83		
HB 267	2-1-83	3-9-83 3-18-83	3-9-83					3-9-83	
HB 290	2-16-83	3-19-83	3-19-83						3-19-83
HB 338	1-31-83	3-4-83	3-4-83				3-4-83		
HB 339	1-31-83	3-4-83	3-4-83				3-4-83		
HB 347	1-29-83	2-4-83	2-4-83					2-4-83	
RETURNED HB 347	2-7-83	2-7-83 2-8-83	2-8-83					2-8-83	
HB 358	2-14-83	3-19-83	3-19-83				3-19-83		
HB 363	2-8-83	3-8-83	3-8-83					3-8-83	
HB 364	2-8-83	3-8-83	3-8-83					3-8-83	
HB 371	3-2-83	3-22-83	3-22-83				3-22-83		
HB 445	3-1-83		3-3-83	SENT TO PUBLIC HEALTH					
HB 451	3-2-83	3-16-83 3-18-83	3-18-83						3-18-83
HB 464	2-8-83	3-14-83	3-14-83				3-14-83		
RETURNED HB 464	3-16-83	3-21-83	3-21-83						3-21-83

Use a separate sheet for Senate, House Bills, and Resolutions.

on the program as long as they can. They support this bill.

John Hollow, Montana Home Building Association stated they support this bill. It is an interest sensitive bill. Anything the Board of Housing can do to protect that kind of money will help the market.

Gary Buchanan, Director, Department of Commerce, stated they support this bill.

There were no further proponents and no opponents.
There were no questions from the committee.

ACTION ON SENATE BILL 250: Senator Severson made the motion that Senate Bill 250 Do Pass. Senator Goodover seconded the motion.

The Committee voted unanimously, by voice vote, that SENATE BILL 250 DO PASS.

CONSIDERATION OF SENATE BILL 251: An act authorizing the Board of Investments to enter a commitment agreement with the Board of Housing. Senator Pat Goodover stated this is a companion bill for the Board of Housing. The explanation for the bill will be given by Mr. Olson.

Lyle Olson, Board of Housing, stated this is something different. It is an amendment to the Board of Investments Act. It allows them to sell bonds for just a 12-year period and then enter into an agreement before they sell the bonds for a predetermined amount of interest. They would then enter into an agreement with the Board of Investments and pay interest for 12 years. They would then have the option to refinance at the same interest. The Board of Investments would agree to purchase mortgages made with the bond proceeds at that time.

Dennis Rehberg, Montana Association of Realtors, stated it is a mini version of a variable mortgage rate. The majority are not buying 30-year fixed rates but are buying variable mortgage rates. He thinks it is a good incentive. It would also provide additional revenue in Montana. They support this bill.

John Hollow, Montana Home Building Association, stated he supported this bill because it would make more mortgage money available.

Gary Buchanan, Director, Department of Commerce, stated this is permissive language and does not require anything. It is the prerogative of the Board of Investments in the end. It is an option that worked in Minnesota and he requested the committee's support.

There were no further proponents and no opponents.

QUESTIONS FROM THE COMMITTEE: Senator Regan requested that we hold this bill so that she can look at it more closely.

CONSIDERATION OF HOUSE BILL 253: An act to revise the procedure for acquiring information concerning the location of underground facilities.

Representative Oren Vinger, stated he was the sponsor of this bill. In the present law you have to make your request in writing and answer in writing. No one is abiding by that because it is too time consuming. They would like to amend the bill so a request can be made in person, in writing, or by telephone.

PROPOSERS TO SENATE BILL 253: Terry White, MDU, stated currently these requests must be in writing which causes more paper work and delay. They recommend this bill do pass.

Bob Quinn, Montana Power Company, stated they are in favor of this legislation. It is quick just to take a telephone call. This legislation offers the option of writing the letter if they wish.

Gene Phillips, Pacific Power and Light, stated he supports the amendments.

Sonny Hanson stated they support this bill.

Rod Hanson stated they support this bill.

There were no further proponents and no opponents.

There were no questions from the Committee.

ACTION ON HOUSE BILL 253: Senator Lee made the motion that House Bill 253 Be Concurred In. Senator Regan seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE BILL 253 BE CONCURRED IN.

CONSIDERATION OF SENATE BILL 322: An act making permanent the law providing for municipal regulation of municipally owned utilities; removing the limitation on annual rate increases that may be made by the municipality; providing for public reports on the utility; authorizing the Public Service Commission to provide technical assistance.

Senator Mike Halligan stated he was the sponsor of this bill. He stated one of the reasons they passed the 12% leeway last session was because there should be more leeway in the municipalities on water and sewer rates. The Public Service Commission was created to focus on the utilities and transportation system. If you look at the local level they have staff to take care of these kinds of things so the bill was simply designed to take some burden off of the Public Service Commission. It was designed to reduce some delays when they want to raise the water and sewer rates above 12%.

PROPOSERS TO SENATE BILL 322: Mike McConey stated this piece of legislation was the same that was requested in the last session. They were forced to accept the 12% limitations imposed by the Legislature. They support this bill.

Bill Verwolf, City of Helena, stated they support this bill.

STANDING COMMITTEE REPORT

February 11,

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MR. President

We, your committee on

BUSINESS AND INDUSTRY

having had under consideration

HOUSE Bill No. 253

VINGER (LEE)

Respectfully report as follows: That

HOUSE Bill No. 253

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BE CONCURRED IN

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